

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

P2I LTD.,

Plaintiff,

v.

FAVORED TECH USA CORPORATION,  
et al.,

Defendants.

Case No. 23-cv-01690-AMO

**ORDER RE VOLUNTARY DISMISSAL**

Re: Dkt. Nos. 151, 152

In its Order Granting Defendants’ Motion for Judgment on the Pleadings and Terminating Plaintiff’s Motion for Leave to File an Amended Complaint, the Court instructed the parties to meet and confer regarding how the pleadings should proceed. *See* ECF 148. The parties met and conferred and, having determined that all substantive causes of action in the case have either been (1) decided by the Court in Defendants’ favor or (2) voluntarily withdrawn by Plaintiff, disagreed only whether the patent infringement cause of action arising from the ’087 patent should be dismissed with prejudice (as Defendants contend) or without. *See* ECF 151, ECF 152. At the August 28, 2025 hearing, Plaintiff then confirmed that it voluntarily withdrew the patent infringement cause of action as to the ’087 patent. *See* ECF 154.

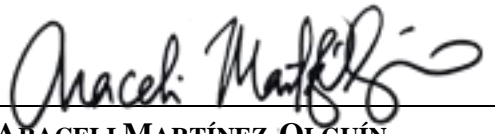
Federal Rule of Civil Procedure 41 governs dismissal of actions. Rule 41(a) provides procedures for voluntary dismissal, and Rule 41(a)(1) provides procedures for voluntary dismissal by a plaintiff that cannot apply here in light of Defendants’ answers to the operative complaint and in the absence of a stipulation of dismissal. *See* ECF 86, ECF 87. The Court therefore interprets Plaintiff’s voluntary abandonment of the ’087 patent as a request for an order of dismissal under Rule 41(a)(2). That provision reads in significant part, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P.

41(a)(2). At the hearing, Defendants made clear that they believe Plaintiffs' voluntary dismissal of the remaining cause of action should only be permitted on condition that it be dismissed with prejudice. The Court agrees. The Court therefore **GRANTS** Plaintiff's request to voluntarily dismiss the patent infringement cause of action as to the '087 patent, and the Court **DISMISSES the action WITH PREJUDICE**.

The Court **ORDERS** the parties to meet and confer regarding a proposed form of judgment. Defendant **SHALL** submit a proposed form of judgment by no later than noon on September 12, 2025, both on the docket and in Word version to amopo@cand.uscourts.gov. If the parties cannot agree on a proposed form of judgment, Plaintiff must file its proposal by the same deadline.

**IT IS SO ORDERED.**

Dated: August 29, 2025

  
ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge